

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

FEB 04 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 12-90067, 12-90068,
12-90069, 12-90072, 12-90073,
12-90074, 12-90091, 12-90092,
12-90093, 12-90096, 12-90097,
12-90103, 12-90104, 12-90111,
12-90112 and 12-90165

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that thirteen district judges and two magistrate judges improperly dismissed his civil claims. These allegations relate directly to the merits and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the judges racially discriminated against him and that they lack judicial temperament. But adverse rulings don't prove bias or lack of judicial temperament. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Since complainant provides no objectively verifiable proof, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges the judges are guilty of various crimes but offers no evidence to support his claims. Therefore, these charges must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant previously filed two misconduct complaints that were dismissed because the charges were merits-related or unfounded. See In re Complaint of Judicial Misconduct, No. 10-90129 (9th Cir. Jud. Council Feb. 14, 2011); In re Complaint of Judicial Misconduct, No. 09-90240 (9th Cir. Jud. Council July 9, 2010). In one of those orders, complainant was cautioned that “[a] complainant who [files] repetitive, harassing, or frivolous complaints . . . may be restricted from filing further complaints.” In re Complaint of Judicial Misconduct, No. 09-90240 (alterations in original) (internal quotation marks omitted).

Complainant has now filed seven nearly identical baseless complaints. He is therefore ordered to show cause why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints. See In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 10(a). Complainant has thirty days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.